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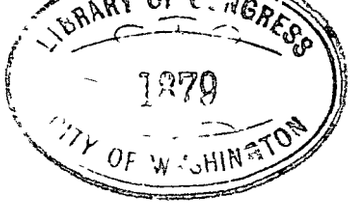
SPECIAL MESSAGE

OF

GOV. JOHN J. JACOB,

OF

WEST VIRGINIA.



WHEELING:

JOHN W. GENTRY, PRINTER.

1875.

SPECIAL MESSAGE

TO THE

LEGISLATURE,

NOVEMBER 10, 1875.

MESSAGE.

EXECUTIVE DEPART. NT,
WHEELING, November 1875.

Gentlemen of the Senate
and of the House of Delegates:

Owing to the large amount of unfinished business before you, I shall confine myself in this paper, mainly to a brief statement of "the condition of the State," making only such recommendations as seem to be imperatively demanded. I respectfully invite your attention to my last message; several matters of importance are referred to therein, on which you have not taken final action.

The depression in all branches of business, which existed when you assembled in January, still continues; nor does there seem to be any present prospect of speedy improvement. The market prices of goods in many cases barely equal the cost of producing them, leaving no margin for profit on the capital invested; this fact necessarily tends to diminish the volume of business, and gradually to consume or destroy wealth heretofore accumulated and invested in active production. Merchants and manufacturers have felt more sensibly than farmers the effects of this stagnation in business. The speculative class—those who bought goods or lands with the expectation of rapid and large increase in prices, have of necessity suffered more than any others in the general decline; and for such there can be no remedy, except the restoration of the old order of things. But all engaged in productive labor, that are able to bear up against the pressure of the present, may confidently look forward to prosperity in the future. Whether the revival of business is to be brought about by a general adjustment of prices to a new, but lower scale, or by a return to the full prices of a few years ago, is a problem which it will answer no practical purpose, here, to discuss. I am not aware that any legislation on your part, can afford a remedy for the present crisis or mitigate its evils. All expedients in the form of stay laws have heretofore tended ultimately to aggravate the evils complained of by giving a further check to enterprise and industry. The business interests of a community are so complicated, so interwoven, so held together by a

chain of mutual credits, or indebtedness, that if any link be broken, if any one element of the business structure be weakened or shattered to pieces, the whole mass must feel the effect to some extent. The inability of one person to meet his pecuniary obligations disturbs the general harmony to a limited extent. If there are many persons in a community who become unable to pay their indebtedness, then a sudden check is given to all branches of industry; laborers are thrown out of employment, and a general decline of business follows. Now a stay law has practically the same effect—if no means are provided for enforcing payment of debts, the effect is the same, so far as the general prosperity of a community is concerned, as in cases where debtors have not the means of payment—whether payment is refused on account of inability or unwillingness to pay, matters but little; loss or injury to business must follow in either case. The laborer must have prompt and efficient means of compelling the payment of his wages; this is his only protection; without it you invite him to a life of idleness. You take from the farmer, the manufacturer and the merchant much of the stimulus to active effort, if the return for their enterprises are to be postponed to an indefinite period. The ultimate result of such laws would be to break down the credit of our people both at home and abroad; and when we remember how many transactions must of necessity rest upon a credit system, we can readily see how great a blow may, thus, be given to all business. There may be in such times, cases of individual hardship in which valuable property is sacrificed at an enforced sale. But a court of equity generally has sufficient power to prevent this result. In any event, no stay law ought to go beyond the extent of prohibiting for a limited time the sale of property below a fixed proportion of its appraised or assessed value. But this extraordinary remedy should be resorted to only in times of general disaster. It will generally be best for all parties, to let the ordinary collection laws, with the protection which they afford the debtor, remain intact.

You will no doubt, feel under obligation, in the existing state of affairs, not to increase the public burdens by increased taxation, but to keep the public expenditures down to the lowest limit compatible with the good of the public service.

Taking the State as a whole, the crops have been good. At one time, the long continued rains threatened disaster to the farmers, but with the exception of a few localities, no great loss was suffered. Probably the greatest sufferers from this cause, were persons engaged in the lumber business: their lumber being carried off by the unusually high freshets. If it were not for the depression of business which has been common to all the States, the general condition of the State would be good. And even as it is, we have probably had as few suspensions or failures among bankers, merchants and manufacturers, as any of the States. The energy, enterprise, and determination to preserve their good credit on the part of our business men, deserves the highest commendation, and will in the end, I doubt not, bring their substantial reward. The spirit of improvement and progress has not been entirely checked, and I sincerely hope that it will receive a new impetus before the assembling of the next Legislature.

The following statement will give the condition of the Treasury during the fiscal year ending September 30, 1875:

Balance in the Treasury October 1, 1874	$282,364 12
Receipts from all sources during the year	547,426 26
Total in the Treasury during the year	$829,790 38
Amount disbursed for all purposes	576,171 97
Balance in the Treasury October 1, 1875	$253,618 41

This balance in the general Treasury is made up of the following distinct funds:

The State Fund	$ 14,458 68
The General School Fund	207,186 39
The School Fund	31,973 34
Total amount, as above	$253,618 41

The receipts are much less than they were the preceding year, and they are $28,745.71 less than the disbursements. In the absence of the annual reports of the Auditor and Treasurer, I am unable to give all the causes for this decrease in the revenue, but one cause is to be found in the fact, that some sheriffs do not employ all the means required by law to make collections, and consequently return larger delinquent lists than a strict execution of the law will permit. I invite your attention to this subject with the hope that you may devise some means of putting an end to a growing evil. Moderate taxation and a rigid collection, are the only means by which public burdens can be made light, and at the same time equal as to all. Many sheriffs collect closely and make very small delinquent returns, yet little encouragement is given to this class, when others escape their obligations more easily.

The re-assessment of lands shows the following comparative results, taking the former assessment for Brooke, Doddridge, Pocahontas and Wetzel, as elements of the calculation.

The commissioners for Brooke, Doddridge and Pocahontas, have not yet returned their books to the Auditor, and no assessment was made in Wetzel, because, as I am informed by the Auditor, no commissioner was nominated for appointment.

The number of acres of land in the State is 24,178,695, a decrease of 453,527 acres, when compared with the former assessment; the largest decrease is in Wyoming, 605,818 acres; the largest increase is in Logan, 372,353 acres; McDowell returns the largest number of acres, 3,246,833, and Hancock the smallest number, 52,358 acres. The total value of all lands and buildings by the new assessment, is $110,922,030; their value according to the former assessment was $99,688 203; the increase is therefore $11,233,827. All of the counties (omitting Brooke, Doddridge, Pocahontas and Wetzel) show increased valuations, except Berkeley, Greenbrier, Hancock, Jefferson, Kanawha, Mason, Monroe, Nicholas, Tyler and Wyoming. The largest increase is in Ohio county, $2,577,589. The smallest in Preston, $18,303. The largest decrease is in Berkeley, $925,868, and the smallest in Hancock, $7,102. The net increase in the revenue, I estimate at $27,000 for State and school purposes.

HOSPITAL FOR THE INSANE.

There were in the Hospital September 30th, 1875, 349 patients; the highest number at any time was 357, and the lowest, 345. The number discharged cured during the year was 18; the Directors report his as the largest number of cures in any one year. The average cost of maintaining each patient, including all expenses of salaries medicines and clothing, was $125,18.

The health of this Institution has been good with the exception of an epidemic of typhoid fever, which was caused by defective sewerage. A new sewer has been constructed so as to prevent the recurrence of anything of the kind.

The first section of the Hospital Building, north of the central building, has been completed and furnished. It affords sufficient room for all of the white insane now confined in the jails; and all such persons have, I believe, been removed to the Hospital. There remain however in the jails a number of colored insane—the Directors report the number to be from 10 to 15. The Directors estimate that a substantial brick building, affording ample room for the colored insane for several years, can be erected and furnished at a cost of from $15,000 to $20,000. This work ought no longer to be delayed, and I earnestly recommend that the necessary appropriation be made. As the Board now has on hand $8,000 of the construction fund unexpended, an appropriation of $12,000 would be sufficient.

A number of non-resident insane have been wandering through the State, and some of this class have been received at the Hospital, The Directors express the fear that "some of the Asylums of adjacent states have taken this unjust and inhuman method of clearing their institutions of incurables." I have no other information on this subject, but I invite your attention to it that you may take such action as you deem advisable.

The expenditures for the Hospital for the last fiscal year were as follows:

For Current Expenses	$ 43,629 78
For Transportation of Patients	2,919 56
For Construction	17,772 04
For Repairs	4,989 15
	$69,310 43

The Board of Directors ask for the following appropriations for the present year, in addition to the amount named for a building for the colored insane:

For Current Expenses	$56,160 00
For Transportation of Patients	3,000 00

PENITENTIARY.

The affairs of the Penitentiary appear to be in a satisfactory condition. The discipline among the convicts has been well maintained, and the cost of their support to the State, is gradually diminishing, owing to the increased value of their labor. The wall around the Penitentiary has been entirely finished, and the North Cell building is nearly so; the Directors hope to have it under roof and ready to

be occupied early in the winter. The money on hand is sufficient for the purpose, and no appropriation is asked for on this account. As the South Cell building contains cells, probably, sufficient for several years, it is not the purpose of the Board to construct the cells in the north wing, but to use it as a dining-room—the old dining-room being a temporary structure, now in a dilapidated condition. There remained in prison September 30, 1875, 105 convicts, 31 were discharged during the year, 2 pardoned, and 2 died.

The expenditures for the last fiscal year were as follows:

For Construction	$20,457 03
For Support of Convicts	10,104 98
For Pay of Guards	9,364 98
For Salary of Superintendent	1,500 00
For Salary of Commissary	1,000 00
For Salary of Clerk	1,000 00
	$43,426 99

The Board of Directors request the following appropriations:

For Workshops and Machinery	$15,000 00
For Water Works	8,000 00
For Support of Convicts	9,500 00
For Payment of Guards	9,000 00
For Salary of Superintendent	1,500 00
For Salary of Clerk	1,200 00
For Salary of Commissary	1,000 00
	$45,000 00

The Superintendent believes that the Penitentiary will become self sustaining when proper work shops and machinery are provided so that all of the labor of convicts can be hired to contractors. This is greatly to be desired. A suppply of good water has been a great want; and I have had occasion to refer to it before. If the condition of the finances will permit it, after providing for the ordinary expenses of the State, the request of the Directors for these two special appriations ought to be granted.

THE INSTITUTION FOR THE DEAF, DUMB AND BLIND.

The Board of Regents for the Institution for the Deaf, Dumb and Blind have submitted a full Annual Report with the expectation that it would be printed in accordance with the old custom, but the statute only authorizes the printing of the bi-ennial reports of the public institutions made before the meeting of each regular session of the Legislature; I have therefore not felt authorized to have it printed.

This institution has been thoroughly re-organized, and is now in very good condition in all of its departments. While all the members of the Board have discharged their duties with energy, zeal and intelligence, the President has interested himself in a marked degree in all its affairs, so much so as to elicit the highest commendation from a committee of gentlemen appointed to examine the condition of the institution.

The number of pupils in attendance last session was 72—of whom 53 were deaf mutes and 19 blind. At the present session 80 are now in attendance, 63 deaf mutes and 17 blind, but a number have been admitted who are not yet present; this will swell the num-

ber to 106. The increasing number of pupils rendered it necessary to provide additional accommodations, and consequently a large addition to the building has recently been made, and there is now ample room for 120 pupils. But the present work shops are inadequate and the Board desires an appropriation for erection of them.

The expenditures of this Institution for the last year were as follows:

For Current expenses	$25.301 42
For Construction	9,818 98
For Insurance	375 00
For Furniture	1,402 98
Total	$36,898 38

The Board asks for the following appropriations for the present year:

For Current Expenses	$25,000
For Furniture	2,000
For Purchasing additional land	3,000
For Finishing new building and erection of new workshop	11,000

THE UNIVERSITY.

I have little information to communicate to you in relation to the University, in the absence of a report. I do not know what appropriations are desired or needed for the present year. Some changes were made in the Faculty during the summer which for a time seemed to create some feeling. But I am informed that there is about the usual number of students in attendance, and that its affairs are moving along quietly and harmoniously. I commend it to your fostering care.

FREE SCHOOLS.

As the State Superintendent of Free Schools is not required to make an annual report, I am not in possession of any facts important to communicate to you. And as you have discussed and partly matured a bill making amendments to the school law, I do not deem it necessary to make any recommendations in relation thereto.

NORMAL SCHOOLS.

The appropriation act of your last session, prohibited the Regents of the Normal Schools from making "contracts to bind the State beyond the amount appropriated." At the close of the last session, therefore, they made no contracts with teachers for the ensuing year; they placed the custody of the Normal School buildings belonging to the State in the hands of the respective Executive Committees, and authorized them to employ teachers, subject to the approval of the Board, to be paid by tuition fees. Under this arrangement all of these schools, with the exception of the one at Concord, in Mercer county, are in operation and generally, have a good attendance of students. The Concord school was not organized until last spring, has had but one term and has drawn, only a portion of its appropriation: at the close of its next term the appropriation will be nearly exhausted.

As suggested in my last message, I believe some positive action should be taken on this subject: either the property belonging to the State should be sold, and all acts creating the Normal Schools be repealed, or, on the other hand, suitable provision should be made for continuing them in operation. I have learned from the newspapers that a normal department is about to be established at the University. I doubt whether such a department could supply the place of the normal schools. A large proportion of the students at the normal schools, are persons of small means—many acquire the money to enable them to attend school by teaching a portion of the year. If there is a good school convenient, where the cost of living is cheap, many such persons will attend. This is shown by the fact that the students of the normal schools come largely from their immediate vicinity; if the schools were remote from them they could never enjoy these advantages. I do not think therefore, that a Normal Department at the University can supply the place of all the normal schools: at best, it would merely be an additional one. There is another consideration which is entitled to some weight in this connection. The University is a school of letters, of arts and sciences, with very different aims from a normal school; the one educates young men for the learned professions, and for scientific pursuits, the other assumes the humbler task of instructing thoroughly. young men and women in the branches taught in the common schools: one begins where the other leaves off. With no original bias in favor of these schools, after visiting them, as it was my duty to do as a member of the Board of Regents, I could not resist the impression that they were doing much good; they are giving instruction to poor students, who could not or would not go to other schools, and who carry back to their homes and neighborhoods new ideas, and an ambition aroused for further improvement. They thus become the germs of improvement whereever they go. With these views I cannot recommend the abolition of the Normal schools.

VACANCIES IN OFFICE.

The death of Hon. James Paull, one of the judges of the Supreme Court of Appeals, in May last, created a vacancy in that court which it is important should be filled at an early day. The Constitution, article 8, section 7, has this provision: "If a vacancy shall occur in said court from any cause, the Governor shall issue a writ of election to fill such vacancy for the residue of the term: *Provided*, that if the unexpired term be less than two years, the Governor shall appoint a judge to fill such vacancy." Judge Paull's term would not have expired until December 31, 1880. Therefore, if this provision had stood alone, it would have been my clear duty to issue a writ for a special election. But section 7 of article 4, contains this clause: "When vacancies occur prior to any general election, they shall be filled by appointment in such manner as may be prescribed herein, or by general law, which appointments shall expire at such time after the next general election as the person so elected to fill such vacancy shall be qualified."

Section 40 of chapter 177 of the Acts 1872–3, which seemed to have been passed in pursuance of the requirements of the last named clause, provides that "elections to fill vacancies shall be for the unexpired term; they shall be held at the *general election* next ensuing after a vacancy shall occur." No provision however, was made for filling a vacancy until a general election should occur. Taking these provisions of the Constitution and of the statute together, I did not feel authorized to issue a writ for a special election. I invite your attention to the subject, and recommend that you make suitable provison to fill the vacancy.

Hon. J. W. F. Allen, Judge of the Fourth Circuit, died during the summer, leaving a vacancy in that circuit; no mode is provided for filling it until the next general election. As Judge Allen was too ill for several months to attend to business, the people of that Circuit have already suffered great inconveniences; you will therefore see the necessity of making provision by a general law at your present session for filling this vacancy.

KANAWHA RIVER IMPROVEMENT.

The Congress of the United States having made an appropriation for the improvemnt of the Kanawha River, a system of locks and dams has been devised, and the work upon some of the locks commenced.

There is no work of internal improvement that promises greater results than this, and nothing on the part of the State authorities should be left undone to facilitate the undertaking. The Act of November 17,1873, grants the U.S. the right to purchase such lands as may be needed, not exceeding five acres at one place, but no power of condemnation is given. I recommend that the act be so amended as to grant this power. This may prevent possible delays in the work in future.

THE CENTENNIAL EXHIBITION.

During your last session I made a communication to you in rela tion to the Centennial Exhibition to be held in Philadelphia, recommending suitable action on your part looking to a proper representation of the State in this great enterprise. The Senate passed a bill on this subject; but it was not reached in the House. A State Board of Managers, recently appointed, have been actively engaged in the effort to awaken public interest in the matter, and in securing specimens from all parts of the State for exhibition. They have, without compensation or the expectation of compensation, very intelligently and energetically performed their duties. But expenses must necessarily be incurred, a secretary must be employed, freights paid, besides other items of outlay. A very large number of our citizens will visit the Exhibition, and the Board of Managers propose to erect on the grounds a temporary building as "head quarters" for all citizens of the State; a place where they can procure without cost. all information which strangers in a great crowd of people so much need. I deem no argument on my part necessary to show the importance of making an appropriation adequate to the wants to be supplied, as I

feel assured that you are in sympathy with me in this undertaking. From year to year, we devote a very large portion of the revenue to the education of the young, the care of the Insane, to the Deaf and Dumb and Blind, and the restraint and punishment of Criminals—it will be a small concession to the farmer. the mechanics, the manufacturer, and the miner; to the active energetic classes who create the wealth of the State, and pay the taxes, in this our Centennial Year, to make an appropriation that will inure to their benefit.

REMOVAL OF THE SEAT OF GOVERNMENT.

The act removing the Seat of Government from Charleston to Wheeling, excited much feeling in the southern part of the State, especially in the Kanawha Valley. The people of that section felt greatly aggrieved at the action of the Legislature; many felt that their rights and interests had not been duly respected, and that the act of removal, was dictated by a spirit of unfriendliness on the part of the people of the upper portion of the State towards them. While I do not think that any such feeling exists among the people of the northern part of the State towards the people of the Third District, yet in communicating to you the condition of the State, I cannot ignore the existence of this feeling, whether well or ill founded.

Soon after your adjournment, members of the Charleston bar presented to me a protest against the execution of the law, alleging its unconstitutionality. At the time the bill came to me for approval, I examined it, as best I could, to see if it violated any of the provisions of the Constitution. My private judgment had not been favorable to the policy of the bill, and if it had been in conflict with the Constitution, I should not have hesitated to return it without my approval. But I found no constitutional objection. In the light afforded me by the gentlemen making the protest; I re-examined the question; but became fully satisfied that their points were not well taken—that the Act was not unconstitutional, and that it was my duty to execute it as required by the Act. At the instance of some private citizens of Charleston, an injunction was ganted by Judge Ward, of the 9th Circuit, restraining the Governor, Auditor, Treasurer, Superintendent of Schools, Secretary of State, Librarian, Clerk of the House of Delegates and Clerk of the Senate, "from removing, aiding in, or directing the removal of the books, papers, archives, furniture and other movable property of this State, including the State Library, the records and proceedings of the Legislative and Executive Departments, or any part thereof, from the city of Charleston in the county of Kanawha to the city of Wheeling, or elsewhere, or in any manner carrying into execution the act of the Legislature, passed February 1875, entitled 'An Act to remove the Seat of Government temporarily to Wheeling,' until the further order of the Circuit Court of Kanawha county, or of a Judge in vacation." This process was served upon me April 30. In a personal communication to Judge Smith of the Kanawha Circuit, his court being at the time in session, I informed him that I did not intend to appear and answer in this suit, disclaiming any want of respect for himself or his court, but alleging that he had no jurisdiction in the premises, and that any orders made by him would be void. The

Auditor, Treasurer, Llbrarian and Superintendent of Schools answered, and the case was heard by Judge Smith, who decided the act to be constitutional and dissolved the injunction May 18, but claimed that he had jurisdiction in the premises; he however granted a suspending order to permit the plaintiffs to apply for an appeal and supersedeas. This suspending order had the effect of reviving the injunction, and it was in force (so far as it could have any effect) May 21, when the law took effect. In the mean time I had caused the public property to be prepared for shipment, not without difficulty, however, as rules for contempt had been issued against the workmen employed, for assisting in its removal, and they were thereby subjected to expense and annoyance. On the 20th of May, I commenced the removal of the property to the wharf-boat, ready to be put on the steam-boat expected the next day from Wheeling. But Judge Smith issued a rule against the party with whom I had made a contract to haul the property to the wharf-boat, and he was compelled to return it to the State House. Judge Smith informed me by letter that application had been made to him for a rule against me, and requested me to appear before his court without it. Of course, I did not comply with his request; whether he would have had the temerity to issue such a rule. I have no means of knowing, it is sufficient to say he did not do so. In reply to my inquiry whether he intended "to issue other and further orders to prevent the removal of the public property from Charleston to Wheeling," he said that "a sense of duty will compel me to require obedience to the orders of my court until prevented." And as his rules issued against the workmen were practically as effective to defeat the execution of the law, as if issued against myself, the whole matter was reduced to the question whether force ought to be used to repel the unwarrantable interference of the judiciary with the executive duties of my office. While as a mere naked question of law, there was no doubt about the right, yet I deemed it unwise and impolitic to force the issue to this extreme conclusion; the results, I believe, would have been very disastrous: animosities and jealousies would have been enkindled between sections of the State, which would have required years of prudent management to allay. I therefore abandoned, at that time, any further attempt to remove the public property and placed it in charge of Maj. John Bolling, one of the clerks in the Auditors office, who discharged his duty, as he always does, with great fidelity. I lay before you the correspondence between Judge Smith and myself, and also the letter of the contractor, showing why he could not deliver the property at the wharf-boat. When the steamboat, sent by the parties who had undertaken to remove the property without cost to the State, came May 21, ready to remove it, it was not shipped for the reasons before given, but the Executive Officers, at once, proceeded to Wheeling, and established their offices in the building provided for the purpose, and carried on the public business as usual, but with some inconveniences and trouble.

An appeal and supersedeas were subsequently granted the plaintiffs, by one of the Judges of the Supreme Court of Appeals; the case was heard in Charlestown, and in September, in an unanimous

opinion, the Court affirmed the constitutionality of the law, and denied the jurisdiction of the Circuit Court of Kanawha county in the matter. The public property was then brought here, arriving September 25.

The parties in Wheeling who undertook to pay all expenses of removal, promptly complied with their engagement; it is due to them, and to the city of Wheeling, to say that not only was there no hesitation in fulfilling the contract made with the State, but supposed wants were anticipated and supplied with great liberality. A committee of the City Council and of citizens having the matter in charge, have relieved me of all trouble or anxiety by the delicacy and fidelity with which they discharged the trust committed to them. A costly, handsome and commodious building is now in course of erection, to be furnished the State, free of cost, for a State House. In the meantime a building for the Executive offices and Library, and Halls for the Senate and House, have been provided to be used until the completion of the new building.

Some reflections seem not out of place in reference to the location of the Seat of Government. It always seemed to me that a ficticious importance has been given to the question. The only elements that legitimately belong to it, are accessibility and the facilities for the transaction of the public business. A comparatively small number of citizens ever find it necessary to visit the Capital; the great mass of the people are far more concerned in the enactment of wholesome laws, and in their faithful execution, than in the location of the Seat of Government. And I but give expression to the opinion of a very large majority of the people of the State, in saying that they have grown weary of the long continued wrangling over this question. Sectional animosities have been aroused. The necessary division of the State into Districts for the election of members of Congress, has been so used as to create the belief that the people of the several Districts have divergent interests; and appeals are made for popular support on the ground of peculiar fidelity to the interests of one locality, and of hostility to another. As representatives of the people it will be your duty and mine, to create a healthier and better sentiment; to teach that we are one people with common interests, and common aims. The citizens of one section of the State have no greater or less interests in this question than those of any other. While it is legitimate for each to seek the promotion of its own interests, yet I take it, that the highest qualities of citizenship demand that such interests must be made subordinate to the general good. The developement of the material rescources of the State, the advancement of education among the people, and their elevation in morals, so far as these come within the scope of government, are more worthy objects, and demand a larger statesmanship than the mere incident to them all—the place where the Seat of Government shall be. To make the question of the location of the State Capital, the prominent, the controlling element in the management of our public affairs, will certainly not add to our dignity as a State, nor enhance our reputation among our sister States.

I trust that your coming together may be the occasion of pleasant

personal intercourse, and that, in a renewed devotion to public interests, and the promotion of the public welfare, temporary divisions of sentiments, arising from local preferences or prejudices, may be buried in oblivion.

JOHN J. JACOB.

Correspondence between the Executive and Judge Smith in relation to the removal of State property to the seat of government.

CHARLESTON, May 14, 1875.

Hon. JOSEPH SMITH,

DEAR SIR: It was my intention on my return to send to you, personally, a communication giving the reasons that prevent me, officially, from answering the injunction awarded by Judge Ward, to restrain the removal of the public property, now in the State Hous in Charleston, to Wheeling, but I have not yet had time to prepare it. I desire simply to say that I will carry out this intention as opportunity permits, and also to say, the course which duty compels me to adopt, is dictated neither by want of respect for you personally, nor for the court in which you so worthily preside.

Allow me to say that the main question involved, has been so frequently adjudicated by the highest courts in the country, that you will readily see that my position could not be otherwise than it is.

I am with great respect,
Yours truly,
JOHN J. JACOB.

EXECUTIVE DEPARTMENT,
CHARLESTON, May 17, 1875.

Hon. JOSEPH SMITH,

DEAR SIR: In compliance with the promise made to you in my note of the 14th inst., I submit the following reasons, showing that the courts have no jurisdiction in the matter of the removal of the seat of government from Charleston to Wheeling:

First. The three departments of the government, Legislative, Executive and Judicial, are separate and distinct, "so that neither shall exercise the powers properly belonging to the others." See Article 5 of the Constitution. Now in which department of the government does the power to remove the public property in charge of the Executive officers reside? The Constitution of the State answers in terms so explicit that no room is left for doubt. "The Executive Department shall consist of a Governor, Secretary of State General Superintendent of Free Schools, Auditor, Treasurer and Attorney-General * * * * They shall, except the Attorney-General, reside at the Seat of Government during their term of office, and *keep there the public records, books and papers pertaining to their respective offices.*" The Constitution in the clearest terms thus gives these officers the custody of the public records, books and papers pertain-

ing to their respective offices, and no citizen or officer can interfere with them in this right; can obstruct them in the exercise of this right without a direct violation of the Constitution. The argument is in a nut shell—if the Judiciary attempt to control the custody of such books, papers and records, it exercises "powers properly belonging" to the Executive Department, and any and all orders made by it to this end, are in contravention of the Constitution, and therefore void.

Second. The question where the Seat of Government of the State is located, is purely and solely a public or political question, affecting no private right, or vested interest, and therefore, wholly outside of the jurisdiction of the Judiciary. I can conceive of no question so far removed from the domain of judicial inquiry as this one; not even the election of a U. S. Senator, Representatives in Congress or Governor, is so foreign to the jurisdiction of a court, as the question of the Seat of Government of the State, and yet no court would assume to pass judgment upon such elections.

Third. The three departments of government are independent and co-ordinate. Neither can supervise, control or restrain the official action of either of the others. The Executive cannot control the Judicary; nor can the Judiciary control the Executive. You, as judge of the Seventh Circuit, have no more right to interfere with the custody of the papers of my office, than I, as Governor of this State, have the right to interfere with the custody of the papers pertaining to your courts. The attempt of either of us to do so, would be an unwarrantable assumption of power. The point has been so frequently adjudicated, that I think you will pardon me for citing some cases which you may desire to examine.

Hawkins *vs.* Governor, 1 Arkansas, 570; State *vs.* Governor, 1 Dutcher (N. Jersey R.,) 331; People *vs.* Governor, 40 Ill., 129 Real *vs.* Ray & the Governor, 17 Indiana, 554; State *vs.* Town, Governor, 8 Georgia, 360; Maurau *vs.* Governor, 8 Rhode Island, 192; Houston *vs.* Randolph, 22 Texas, 317; Dermit, Petitioner, 32 Maine, 508; Bledsoe *vs.* International R. R., 40 Texas, 537; Kentucky *vs.* Dennison, Governor, 24 Howard, 56; Mississippi *vs.* Johnson, Pres., 4 Wallace, 475 I have other authorities but deem these sufficient.

But the specious question is sometime a-ked, is the Governor above law? Is he beyond the process of the courts? I answer that, as an individual, as a citizen, he is liable to be sued for any breach of contract or for any tort committed by him, and that he is liable to prosecution for a violation of the penal code, just as any other citizen; but as Governor of the State, he is the Chief Executive thereof, charged with the duty of seeing that the laws are faithfully executed, he is not subject to the orders of a court as to the discharge of his official duties. If he is derelict in duty, or guilty of malfeasance in office, the Legislature can impeach him; and to it alone is he responsable for his official conduct. As well might it be asked whether judges are above law and beyond the process of the courts. The simple fact seems to be that each department of the government is independent within its own limits and that there can be no conflict of authority unless one of them steps out

of its own limits and attempts to interfere with the functions of the others.

Fourth. The 35th section, of Article 6 of the Constitution, is as follows:

"The State of West Virginia shall never be made a defendant in court of law or equity." The proceeding against the Governor and other officers of the State, now pending before you, is a suit in effect against the State; they are mere officers or agents of the State and have no personal or private interest in the matter in controversy. And in the famous case of Kentucky *vs.* Dennison, 24 Howard, 66, in which Judge Taney delivered the opinion of the court, it was expressly decided that "a suit by or against the Governor of a State, as such in his official character, is a suit by or against the State."

Fifth. If a court has the jurisdiction claimed, then it has the power to enforce its orders for contempt by imprisonment, and thus practically depose any or all of the chief executive officers of the State. This brings us to such an absurdity as to show conclusively that no such jurisdiction exists.

In conclusion, allow me to refer to the practical results of the present proceedings. If the injunction should be sustained and obeyed, and if, as many suppose, the public business must be transacted at the seat of government, what would be the effect? Certainly not to restore the seat of government at Charleston or re-locate it there, but the result would be to suspend, for an indefinite time. the business of the Executive Department. I do not wish to dwell on this point. Did any sane man ever imagine that any such authority was vested in the courts of the country?

I fully appreciate the somewhat unpleasant position in which you have been placed by the action of another judge; and my own sense of duty makes my position not less unpleasant, but we are both officers of the State, under solemn obligation to maintain its constitution and laws.

From a sentiment of high respect for you personally, and for the court in which you preside,—I address this communication to you. But you will of course understand that it is in no sense an answer to the proceedings now pending before you. I think I have suggested sufficient reasons why it would be improper for me, as Governor of the State, to appear and answer in the proceedings referred to.

Yours, very respectfully,
JOHN J. JACOB.

CHARLESTON, May 15, 1875.

To His Excellency, J. J. JACOB,

DEAR SIR: Late yesterday evening your Page delivered to me the epistle, you was kind enough to address to me, so late that I could not then, spare the time to answer, but do so now, feeling that I should embrace the very earliest moment, to answer, which I could spare from my official duties. Our friendship, heretofore, has been of so kind a personal character, that I sincerely regret the condition, to which you so delicately allude, in which we may be, and now are, officially placed, of antagonism, and which, I am free to confess, I do

not regard as being unavoidably necessary. This will not, and shall not interfere with the great respect I entertain for you both as a man and as the Chief Executive officer of the State; but I must also say that I deeply regret—if I correctly understand your position—the fact that you have concluded to disregard the Judicial writs, thereby setting up Executive power in opposition to Judicial right, and converting executive office into appellate jurisdiction. I hope you will reconsider this matter, and consider whether, under the theory of our government, any position exempts a man from responsibility to the judicial tribunals. If you are correct in your views and remarks that the principles and questions have been often settled, why do you assume appellate judicial functions; if they have been decided already adversely to the plaintiffs in the injunction, you would find but little trouble in ending this very unpleasant litigation and relieve me of a responsibility which I feel more sensibly than any other responsibility I ever felt. You could, upon a motion to dissolve, produce them, and I gladly examine them, for I am anxious to know my duty and free to discharge it as I understand it. I am free from any bias or prejudice, having neither made up nor expressed any opinion in this case. The injunction was granted by Judge Ward, whose powers are the same as my own; and being granted by competent authority, what can I do but require obedience while it is pending in my court? I feel assured of the truth of your remarks that you have no wish to treat me or the court over which I preside with intentional contempt. All the past proves the truth of this, and I believe it; but, in refusing to obey its precepts, setting at defiance its authority, and disregarding its mandates, do you not give us an example of disobedience which amounts to disorganization, and will not all infer a strong disposition and inclination, on your part, not to be restrained by law? The judicial tribunals are the proper forums to determine the constitutionality of a law, or I have long been in error. Each of the departments have their appropriate and proper functions. The Legislature makes the laws; the Judiciary decide what the laws are, and the Executive enforces them as expounded by the Judiciary. The Executive has no more right to assume Judicial functions than the Judiciary has to assume Executive functions. Questions involving the constitutionality of an act of the Legislature must arise in a circuit court and be first determined by a circuit Judge; and the opinions of a circuit court must be held and regarded as being correct until reversed or changed by higher authority. Any other doctrine would subvert and uproot our whole system of jurisprudence; and in this particular case I do not know of a better way of getting the questions before the Judicial tribunals who alone have the right to decide. Judge Ward having taken the initiatory step and brought it into court, whether prudently and wisely or not I have no right to enquire, unless the case is presented to me, now I would ask, under the circumstances, will it not be best for us all to treat this matter with the becoming respect which is always due in good government to judicial proceedings? The cause is now in court, and I would most respectfully suggest—but not in the spirit of dictation; it is prompted

by feelings of other sentiments—that on a motion to dissolve could be acted on at once and release us all of deep responsibility; and if not disposed of satisfactory, either party feeling themselves aggrieved can have a speedy settlement of the matter in the Court of Appeals, who would feel in duty bound to act upon it without delay. This course would reconcile and harmonize, instead of introducing confusion in the various departments of the government. But I have already perhaps, taxed your patience overmuch, but you must excuse me, as I feel deeply, sensibly, of the responsibilities of the condition into which we are floating. I therefore hope you will receive this answer with same spirit of kindness which has dictated it, and in closing, I tender you my warmest personal regard and esteem.

Yours Truly,

J. SMITH.

CHARLESTON, W. VA., May 20, 1875.

Hon. JOHN J. JACOB, *Governor of West Virginia,*

DEAR SIR: Under the contract made with you for the removal of the public property in the Capitol building in the city of Charleston, to the wharf boat in said city, I received a portion of said property into my possession from you, and while taking the same to said wharf boat, I was met with process from the Circuit Court of Kanawha county, West Virginia, which obstructs me in the removal of said property to said warf boat, and I here return the same to you.

Respectfully, your ob't servant,

M. J. BELL.

This letter was received May 20, 12 o'clock, M.

To His Excellency, J. J. JACOB,

DEAR SIR: Application having been made to me for a rule against you, as Chief Executive of the State and as an individual, I deemed it due to your official position to inform you of the fact and respectfully to request you to appear without my being compelled to issue process. Be kind enough to inform me by returning messenger, whether I may expect your compliance with this request.

Yours, with the kindest feelings, personally,

J. SMITH.

COURT HOUSE, CHARLESTON, May 20, 1875.

EXECUTIVE DEPARTMENT,
CHARLESTON, May 20, 1875.

Hon. JOSEPH SMITH,

DEAR SIR: I have just received your note of this date, in which you say "application being made to me for a rule against you, as Chief Executive officer of this State, and as an individual, I deemed it due

to your official position to inform you of the fact, and respectfully request you to appear without my being compelled to issue process. Be kind enough to inform me by returning messenger, whether I may expect your compliance with this request."

You fail to inform me for what purpose application has been made to you, for a rule against me, as Chief Executive of the State, but I presume it is for carrying into execution an act passed February 20, 1875, entitled "An Act to remove the Seat of Government temporarily to Wheeling." If my supposition is not correct, will you be kind enough to inform me? On the presumption that my supposition is correct, in the name of the people of West Virginia, as Governor thereof, I protest against any and all orders in anywise hindering or preventing the execution of the act referred to, or interfering with me in the discharge of my official duties. The act was passed as constitutional by the Legislature thereof, it has been recognized by me as the Chief Executive, as constitutional, and I am credibly informed that you, as the Judge of the Circuit Court for Kanawha county, have affirmed its constitutionality and validity, and have dissolved an injunction awarded to test its constitutionality. The validity of the act has been recognized by three departments of the government, Legislative, Executive and Judicial, and I appeal to you in the interest of good order and good government to do no act obstructing its execution. But, if it is still your purpose to prevent the removal of the public property to Wheeling, in accordance with the terms of the act referred to, the responsibility must rest where it belongs. You will be kind enough to say whether it is your intention to issue other and further orders to prevent the removal of the public property from Charleston to Wheeling? I await your answer.

Very respectfully, your ob't serv't,

JOHN J. JACOB,
Governor.

COURT HOUSE,
CHARLESTON, May 20, 1875.

His Excellency, JOHN J. JACOB,

DEAR SIR: Yours just received asks an answer of me in relation to my purpose in trying to prevent you from removing the archives of the State under an act of the Legislature of the State. By no means, this is very far from my intention as you must be aware from any decision in the case. I concur with you in regard to the constitutionality of the law and dissolved the injunction, but that is not considering the present position of the case. A judge of the circuit court of this State granted an injunction to the removal on the grounds distinctly made by the bill of the unconstitutionality of the law. This injunction was duly served upon you. The law fixes the jurisdiction of the circuit court by making it imperative upon the judge to decide constitutional questions when presented in a proper case, presented now, the case could be presented in no other way so proper as

by injunction. This injunction you have chosen to disregard, and refused to appear in my court, and even deny the jurisdiction of the court. The court must be judge of its jurisdiction. And I can not perceive the slightest reason why you could not appear in court, either in person or by counsel, and let the court have the grounds of objection to its jurisdiction. But you have not done so, and left it to other of the Executive officers to appear, and on their motion I dissolved the injunction. But by our law there is a provision that requires a court, when applied to, to suspend any order it may make, by which the party feels himself agrieved, for a reasonable time, to obtain an appeal, and I was asked to fix the time at least twenty days, as the record was to be copied and taken to a judge of the Court of Appeals, thence, if granted, to the clerk in Wheeling and then to be returned to Charleston. In obedience to this statute, which you can easily recur to, I made the order, giving until next Thursday, in opposition to the solemn protests of the parties that the time was too short. But I thought by proper efforts it could be accomplished; and I have determined to interpose no obstacle to carrying out the act except what a solemn sense of duty requires me; that is, to assert the right of the court to test the constitutionality of this as of any other law. I regret as deeply as any man could the necessity imposed upon me of endeavouring to hold the matter *in statu quo,* until the short period has arrived. To comply with this is no descending on your part, while I can not, in the conscientious discharge of duty, permit the order to be violated. I deeply regret this conflict, and would gladly avoid it, but, in the conscientious discharge of duty can not. If you wait until the time has expired there is no failure of duty on your part. The law does not require you to remove on any particular day, and you can postpone the act for a few days, if you will. It is optional with you, but not so with me. A sense of duty will compel me to require obedience to the orders of my court until prevented.

Yours truly,

J. SMITH.

CHARLESTON, May 12, 1875.

Hon. JOSEPH SMITH,

DEAR SIR: Your second communication is just received. No further argument is necessary. I accept your reply as an expression of a determination on your part still further to obstruct the removal of the public property from Charleston to Wheeling. Again protesting in the name of the people of the State against this unwarrantable interference on your part, with the constitutional duties of my office, I shall take no further steps, at present, to remove the public property. As you have thus assumed the custody of the books, papers and records pertaining to my office, as well as those of the other State officers, in violation of a plain constitutional provision, I shall at once proceed to have an inventory of the same taken. You, and all others, directly or indirectly concerned in the obstruction of the law will be held re-

sponsible for the safe keeping of the books, papers and records, and other public property, now in the building used as a State House.

Very respectfully, your ob't serv't,

JOHN J. JACOB,
Governor.

EXECUTIVE DEPARTMENT,
WHEELING, November 10, 1875.

Gentlemen of the Senate,
and of the House of Delegates.

I respectfully transmit herewith a detailed statement of the disbursements out of the Civil Contingent Fund, for the fiscal year, ending September 30, 1875. The total disbursements were $4,421.58, and as the amount appropriated was $6,000, there remained a balance of $1,578.42 unexpended. I also submit statements of the expenditures for the usual public offices. It will be seen that these expenditures were as follows:

or Governor's office	$ 367 73
For Secretary of State's office	252 43
For Auditors officers	1,562 27
For Treasurer's office	154 80
For Attorney General's office	70 05
For Librarian's office	282 35

These sums were, of course, part of the total expenditures of $4,421 58, the residue was for the general service.

I also transmit to the House of Delegates, as required by the Contitution.

JOHN J. JACOB.

Contingent expenses of the Governor's office for the fiscal year ending September 30, 1875, paid out of the Civil Contingent Fund:

1875			
Feb.	27.	John J. Jacob	$ 25 16
March	1.	G. W. Atkinson	10 80
March	2.	G. W. Atkinsou	26 50
March	2.	E. Shepperson	25 00
March	3.	Adams Express Company	3 00
March	4.	J. B. Davenport	2 50
March	4.	Webb & Sperry	10 00
March	30.	Adams Express Company	75
April	7.	G. W. Atkinson	19 50
April	13.	Gibbens, Atkinson & Co	3 50
May	19.	Chesapeake and Ohio Telegraph Company	10 95
May	19.	G. W. Atkinson	48 50
June	14.	G. Mendel Booth & Co	107 50
June	26.	Benj. Dailey	5 60
July	1.	C. J. Rawlings	15 00
Sept.	11.	C. J. Rawlings	24 00
Sept.	15.	Benj. Dailey	6 58
Sept.	30.	John J, Jacob	22 89
			$367 73

Contingent expenses of the Secretary of State's office for the fiscal year ending September 30, 1875, paid out of the Civil Contingent Fund:

1875			
March	2.	G. W. Atkinson	$ 10 50
March	2.	Adams Express Comqany	13 50
March	20.	G. W. Atkinson	9 00
March	30.	The bills paid G. W. Atkinson and others entered as of this date and amounting to $252.43 were paid upon the warrant of the Auditor on the fund for contingent expenses of the office of Secretary of State. There being no such appropriation, the Governor directed them to be charged up to the Civil Contingent Fund.	
March	30.	G. W. Atkinson	5 10
March	30.	Adams Express Company	133 85
March	30.	Adams Express Company	6 50
March	30.	G. W. Atkinson	12 60
March	30.	Adams Express Company	82 88
March	30.	Chesapeake and Ohio Telegraph Company	11 50
June	1.	John H. Zearly	15 00
June	14.	G. Mendel Booth & Co.	56 50
July	1.	C. J. Rawlings	3 50
July	15.	Adams Express Company	2 50
Sept.	1.	C. J. Rawlings	32 00
Sept.	30.	C. Rawlin	10 09
			$405 42

Contingent expenses of the Attorney-General's office for the fiscal year ending September 30, 1872, paid out of the Civil Contingent Fund:

1875			
April	7.	R. G. Barr	$ 25 00
July	19.	J. G. Cox	15 00
Sept.	21.	A. M. Chandler	30 00
			$70 00

Contingent expenses of the Auditors office for the fiscal year ending September 30, 1875, paid out of the Civil Contingent Fund:

1875.			
March	2.	Geo. W. Atkinson	$9 02
March	3,	Adams Express Company	4 15
March	12.	F. R. Fansler	11 13
March	13.	A. M. Ours	2 72
March	16.	M. M. Rockhold	8 03
March	10.	G. W. Atkinson	43 00
March	30.	The bills paid to G. W. Atkinson and others entered as of this date and amounting to $352 99 were paid upon the warrant of the Auditor on the fund for contingent expenses of his office. There being no such appropriation the Governor directed them to be charged to the Civil Contingent Fund	
March	30.	G. W. Atkinson	115 56
March	30.	John Claypool	1 36
March	30.	Adams Express Company	4 30
March	30	Chesapeake and Ohio Telegraph Company	4 68
March	30,	Gallaher & Warren	10 50
March	30.	G. W. Atkinson	15 90
March	30.	Chesapeake and Ohio Telegraph Company	5 48
March	30.	G. W. Atkinson	18 86
March	30.	Adams Express Company	7 45

March 30.	John E. Erwin	6 48
March 30.	G. W. Atkinson	30 16
March 30.	G. W. Atkinson	53 19
March 30.	G. W. Atkinson	5 00
Marbh 30.	P. Morton	2 50
March 30.	Carder & Faulks	64 60
March 30.	Chesapeake and Ohio Telegraph Company	2 80
March 30.	W. M Reynolds	1 70
March 30.	Jas. A. Larew	2 63
		$352 9

March 30.	Adams Exqress Company	1 40
March 30.	Chesapeake and Ohio Telegraph Company	98
April 8.	G. W. Atkinson	255 24
April 29.	Adams Express Company	76 90
April 30.	J. W. Hart	62
May 5.	Jos. A. Johnson	2 50
May 19.	G. W. Atkinson	4 11
June 8.	Nesbitt Bros	20 15
June 14	G. M Bishop	15 00
June 14.	G. Mendel Booth & Co.	80 00
July 1.	C. J. Rawlings	9 26
July 6.	G. M. Bishop	22 00
July 7.	E. L. Bill	11 55
July 7.	G. L. Bennett	5 15
Aug. 3.	G. M. Bishop	47 00
Aug. 10.	G. L. Bennett	6 43
Aug. 26.	E. A. Bennett	24 33
Aug. 28.	Thos. W. Stook	2 00
Sept. 1.	G. W. Atkinson	12 00
Sept. 11.	W. A. Cracraft	11 35
Sept. 11.	C. J. Rawlings	10 60
Sept. 22.	G. L. Bennett	6 83
Sept. 23.	John Wagner, assignee	179 06
Sept. 23.	W. A. Bradford	49 00
Sept. 29.	John Wagner, assignee	31 50
Sept. 29.	E. L. Wood	10 50
Sept. 29.	Gov. Morris	19 25
Sept. 29.	E. L. Bill	15 00
Sept. 30.	G. L. Bennett, assignee	8 75
Sept. 30.	C. J. Rawlings	7 40
Sept. 30.	C. J. Rawlings	165 00
Sept. 30.	W. A. Cracraft	14 80
		$1562 2[illegible]

Contingent expenses of the Treasurer's Office for the fiscal year ending September 30, 1875, paid out of the Civil Contingent Fund:

1875.		
March 2.	G. W. Atkinson	$2 50
March 20.	The bills paid Adams Express Co., and others, entered as of this date, and amounting to $105 98, were paid upon the warrant of the Auditor on the fund for contingent expenses of Treasurer's office. There being no such appropriation, the Governor directed them to be charged up to the Civil Contingent Fund.	
March 20.	Adams Express Company	1 00
March 20.	G. W. Atkinson	4 25
March 20.	Adams Express Company	75

March 20.	Duling & Co	2 90
March 20.	Chesapeake & Ohio Telegraph Co	2 00
March 20.	Carder & Fulks	95 00
		$105 98
March 30.	Adams Express Co	$1 55
March 30.	Chesapeake & Ohio Telegraph Co	1 80
April 27.	Kanawha Valley Bank	2 44
April 29.	Adams Express Co	50
May 19.	G. W. Atkinson	6 22
June 3.	John S. Burdett	4 26
July 30.	B. F. Caldwell	6 25
August 5.	John S. Burdett	13 24
Sept. 30.	C. J. Rawlings	10 00
		$154 80

Contingent expenses of the Library for the fiscal year ending September 30, 1875, paid ont of the Civil Contingent Fund:

1875.		
March 1.	G. W. Atkinson	$4 70
March 2.	M. W. White	15 0
March 2.	Adams Express Co	15 95
March 13.	Insurance on Library	25 00
March 18.	Insurance on Library	175 00
Sept. 29.	Adams Express Co	46 70
		$282 35

Disbursements of the Civil Contingent Fund for the fiscal year ending September 40, 1875:

1875.		
eb. 26.	Geo. W Engle	$28 00
eb. 27.	John J. Jacob,	25 00
Feb. 27.	E. L. Bill, assignee	28 00
Feb. 27.	F. J. Harmison	28 00
Feb. 27,	Delaney & Co	19 00
		$128 88
March 1,	G. W. Atkinson	$15 50
March 2,	G. W. Atkinson	48 58
March 2,	E. S Irwin, assignee	47 00
March 2,	M. S. White	15 00
March 2,	E. Shepperson	25 00
March 3,	Adams Express Company	37 00
March 4,	Thos. Ward	7 15
March 4,	J. B. Davenport	2 50
March 4,	Webb and Sperry	10 00
March 11,	Charleston Gas Company	153 80
March 12,	S. K. Fauster,	11 18
March 13,	German Fire insurance Co.	25 00
March 13,	P. H. Daly.	16 40
March 13,	A. M. Ours	2 72
March 15,	Jas. H. Rogers	15 50
March 16,	M. M. Rockhold,	3 00
March 18,	A: A. Preston, agent	175 00
March 19,	G. W. Atkinson	46 00
March 20,	G. W. Atkinson	9 00
March 23,	Geo. W. Engle	28 00
March 25,	W. G. Norvell	2 00
March 25,	Peter Smith	37 50

1875.

March 30,	The bills paid to G. W. Atkinson, and others, entered as of this date, and amounting to $352.99, and paid upon the warrant of the Auditor, on the fund for the contingent expenses of his office. There being no appropriation for this purpose, the Governor directed them to be charged up to the Civil Contingent Fund	352 99
March 30,	Bills for contingent expenses of Secretary of State's office, amounting to $252.43, were paid as above, and charged to the same fund	252 43
March 30,	Bills for contingent expenses of Treasurer's office, amounting to $105 98, charged to the Civil Contingent Fund	105 98
March 30,	Ches. & O. Tel. Co.	2 78
March 30,	Adams Express Co.	3 75
		$1,450 76
April 1.	Howell Smith	19 00
April 2.	W. P. Ewing.	25 00
April 2.	Jno. C. Hupp	25 00
April 7.	R. G. Barr.	25 00
April 7	G. W. Atkinson	19 50
April 8.	G. W. Atkinson	255 24
April 13.	Gibbons, Atkinson & Co	3 50
April 13.	A. J. Thomas, assignee	25 00
April 14	Charleston Gas Co	7 10
April 23.	Geo. W. Engle	28 00
April 27.	Kanawha Valley Bank	77 40
April 30.	J, W. Hart	62
		$512 80
May 5.	Jas. A. Johnson	$2 50
May 5.	Charleston Gas Co	4 54
May 19.	Chesapeake & Ohio Telegraph Co	10 95
May 19	Geo. W. Engle	28 00
May 19.	G W. Atkinson.	58 00
		$104 82
June 1.	John H. Zevely	15 00
June 5.	John S. Burdett	4 26
June 8.	Nesbitt & Bro	29 15
June 10	P. H. Daly	16 62
June 12	Luke Fulton	22 50
June 12.	G. Gillison	15 00
June 14.	G. M. Bishop	15 00
June 14	G Mendel, Booth & Co	244 00
June 25	A. P Fry	48 00
June 25.	Geo. E. Belcher.	48 00
June 25.	Charleston Gas Co	8 70
June 23,	Geo W. Engle	28 00
June 26	Benj. Dailey	5 60
		$449 83
July 1.	C. J. Rawlings	$42 1
July 6.	Thos. O'Brien	19 15
July 6.	Porter Smith	37 50
July 6	G. M. Bishop	22 00
July 7	E L Bill	11 55
July 7	Geo. L. Bennett.	5 15
July 10	Geo. C Trimble.	9 00
Juiy 15.	Adams Express Co	2 50
July 15	Charleston Gas Co	14 30

July	19.	J. G. Cox	15 00
July	23.	Geo. W. Engle	28 00
July	20.	B. F. Caldwell	18 22
July	30.	Steamer Hudson	7 65
August	2.	G. M Bishop	47 00
August	5.	John S. Burdett	13 24
August	10.	Geo. L. Bennett	6 43
August	12	Charleston Gas Company	8 30
August	23.	Geo. W. Engle	28 00
August	26.	E. A. Bennett	24 33
August	28.	Thos. W. Sturk	2 00
			$129 30

Sept.	1	G. W. Atkinson	$ 12 00
Sept.	11.	Wm. A. Cracraft	11 35
Sept.	11.	C. J Rawlings	127 28
Sept.	15.	Benj. Dailey	6 58
Sept.	17.	Geo. C. Trimble	11 25
Sept.	21	A. M. Chandler	30 00
Sept.	22	Geo. L. Bennett	5 83
Sept.	23.	Geo. W. Engle	28 00
Sept.	23	John Wagner	198 06
Sept.	23.	W. A. Bradford, assignee	49 00
Sept.	23.	Charleston Gas Company	7 19
Sept.	29.	John Wagner	31 50
Sept.	29.	Adams Express Company	46 70
Sept.	29.	Henry Ewing	12 00
Sept.	29	Geo. E. Belcher	84 00
Sept.	29	A. P. Fry	84 00
Sept.	29.	E. L Wood	10 50
Sept.	29	Geo. Morris	19 25
Sept.	29.	E L Bill	15 00
Sept.	30,	Jas. Herly	18 27
Sept.	30,	Geo. L. Bennett, assignee	8 75
Sept.	30,	L. W. Hedrick	5 25
Sept.	30,	C J. Rawlings	192 49
Sept.	30,	City of Wheeling Gas Works	4 97
Sept.	30,	Fulks & Carder	17 80
Sept.	30,	John J. Jacob	22 89
Sept.	30,	W. A. Cracraft	14 30
Sept.	30.	Robt. Luke	9 30
Sept	30.	John Bolling	
			$1,255 02

RECAPITULATION.

February	$128 88
March	1,450 76
April	512 80
May	104 82
June	499 82
July	340 17
August	129 20
September	1,255 02
	$4,421 58